IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8512 OF 2005

Smt.Sushila Krishna Shetty & ors. Petitioners

versus

The Cantonment Board, Kirkee
and another Respondents

Mr.S.S.Kshirsagar for petitioners.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18th January 2006

PC :

1. Heard Shri Kshirsagar for the petitioner. Perused the order of the Civil Court as also the application preferred by the petitioner before the Estate Officer and the impugned order.

2. In my view, the observations made during the course of proceedings by the Estate Officer shall not prevent the petitioner from raising appropriate contentions about binding nature of the order of the Civil Court and maintainability of the eviction proceedings. Needless to state that such contentions raised shall be decided by

the Estate Officer along with other contentions on merits and in accordance with law. Rejection of the application by the impugned order shall not influence the Estate Officer in dealing with such contentions and while passing a final order. With this clarification petition is disposed of.

(S.C.DHARMADHIKARI, J.)